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## OLR Bill Analysis

### sHB 5340

#### ***AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND.***

#### **SUMMARY:**

Under certain conditions, this bill gives landowners immunity from civil liability for injuries sustained by people they invite or permit on their land, without charge, to engage in maple-sugaring activities.

The immunity applies only if the people are engaging in maple-sugaring on behalf of a nonprofit organization or corporation for its own use or for distribution to other nonprofit organizations or corporations. The immunity applies to injuries arising from use of the land or engaging in such maple-sugaring activities. But it does not apply to:

1. injuries caused by the owner's failure to warn of a dangerous hidden hazard he or she knows about or
2. an owner who (a) operates a maple-sugaring operation to which the public is invited and charged for products from the operation or (b) collects a fee from others for maple-sugaring on his or her property.

The bill applies certain existing provisions to such maple-sugaring activities, thus specifying that the immunity also does not apply to an owner who:

1. sells more than 100 cords of firewood each year,
2. operates a "pick or cut your own agricultural operation," or
3. operates an agricultural operation to which the public is invited and charged for produce harvested and removed from the land.

The bill defines “maple-sugaring” as the collection of sap from any species of the Acer tree for the purpose of boiling it to make food.

The immunity covers landowners as well as tenants, occupants, or others in control of the property.

EFFECTIVE DATE: October 1, 2014

## **BACKGROUND**

### ***Common Law Premises Liability***

Under common law, landowners or others in possession of land owe people entering their land a duty of care, based on the person’s status, and can be held liable for injuries caused by a breach of those duties. For example, a possessor of land owes a common law duty to invitees to inspect and maintain the premises to keep them reasonably safe. The legislature can modify this liability.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/10/2014)